

Union Calendar No. 107

104TH CONGRESS
1ST SESSION

H. R. 2126

[Report No. 104-208]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

JULY 27, 1995

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Union Calendar No. 107104TH CONGRESS
1ST SESSION**H. R. 2126****[Report No. 104-208]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1995

Mr. YOUNG of Florida, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 1996, for military func-
6 tions administered by the Department of Defense, and for
7 other purposes, namely:

1 TITLE I

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, interest on
5 deposits, gratuities, permanent change of station travel
6 (including all expenses thereof for organizational move-
7 ments), and expenses of temporary duty travel between
8 permanent duty stations, for members of the Army on ac-
9 tive duty (except members of reserve components provided
10 for elsewhere), cadets, and aviation cadets; and for pay-
11 ments pursuant to section 156 of Public Law 97-377, as
12 amended (42 U.S.C. 402 note), to section 229(b) of the
13 Social Security Act (42 U.S.C. 429(b)), and to the De-
14 partment of Defense Military Retirement Fund;
15 \$19,884,608,000.

16 MILITARY PERSONNEL, NAVY

17 For pay, allowances, individual clothing, interest on
18 deposits, gratuities, permanent change of station travel
19 (including all expenses thereof for organizational move-
20 ments), and expenses of temporary duty travel between
21 permanent duty stations, for members of the Navy on ac-
22 tive duty (except members of the Reserve provided for
23 elsewhere), midshipmen, and aviation cadets; and for pay-
24 ments pursuant to section 156 of Public Law 97-377, as
25 amended (42 U.S.C. 402 note), to section 229(b) of the

1 Social Security Act (42 U.S.C. 429(b)), and to the De-
2 partment of Defense Military Retirement Fund;
3 \$17,006,363,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, interest on
6 deposits, gratuities, permanent change of station travel
7 (including all expenses thereof for organizational move-
8 ments), and expenses of temporary duty travel between
9 permanent duty stations, for members of the Marine
10 Corps on active duty (except members of the Reserve pro-
11 vided for elsewhere); and for payments pursuant to section
12 156 of Public Law 97-377, as amended (42 U.S.C. 402
13 note), to section 229(b) of the Social Security Act (42
14 U.S.C. 429(b)), and to the Department of Defense Mili-
15 tary Retirement Fund; \$5,928,340,000.

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, interest on
18 deposits, gratuities, permanent change of station travel
19 (including all expenses thereof for organizational move-
20 ments), and expenses of temporary duty travel between
21 permanent duty stations, for members of the Air Force
22 on active duty (except members of reserve components
23 provided for elsewhere), cadets, and aviation cadets; and
24 for payments pursuant to section 156 of Public Law 97-
25 377, as amended (42 U.S.C. 402 note), to section 229(b)

1 of the Social Security Act (42 U.S.C. 429(b)), and to the
2 Department of Defense Military Retirement Fund;
3 \$17,294,620,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and for members
14 of the Reserve Officers' Training Corps, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund; \$2,122,566,000.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Navy Re-
21 serve on active duty under section 10211 of title 10, Unit-
22 ed States Code, or while serving on active duty under sec-
23 tion 12301(d) of title 10, United States Code, in connec-
24 tion with performing duty specified in section 12310(a)
25 of title 10, United States Code, or while undergoing re-

1 serve training, or while performing drills or equivalent
2 duty, and for members of the Reserve Officers' Training
3 Corps, and expenses authorized by section 16131 of title
4 10, United States Code; and for payments to the Depart-
5 ment of Defense Military Retirement Fund;
6 \$1,350,023,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Marine
10 Corps Reserve on active duty under section 10211 of title
11 10, United States Code, or while serving on active duty
12 under section 12301(d) of title 10, United States Code,
13 in connection with performing duty specified in section
14 12310(a) of title 10, United States Code, or while under-
15 going reserve training, or while performing drills or equiv-
16 alent duty, and for members of the Marine Corps platoon
17 leaders class, and expenses authorized by section 16131
18 of title 10, United States Code; and for payments to the
19 Department of Defense Military Retirement Fund;
20 \$366,101,000.

21 RESERVE PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Force
24 Reserve on active duty under sections 10211, 10305, and
25 8038 of title 10, United States Code, or while serving on

1 active duty under section 12301(d) of title 10, United
2 States Code, in connection with performing duty specified
3 in section 12310(a) of title 10, United States Code, or
4 while undergoing reserve training, or while performing
5 drills or equivalent duty or other duty, and for members
6 of the Air Reserve Officers' Training Corps, and expenses
7 authorized by section 16131 of title 10, United States
8 Code; and for payments to the Department of Defense
9 Military Retirement Fund; \$783,586,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund; \$3,240,858,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under section 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund;
14 \$1,254,827,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of the Army, as author-
21 ized by law; and not to exceed \$14,437,000 can be used
22 for emergencies and extraordinary expenses, to be ex-
23 pended on the approval or authority of the Secretary of
24 the Army, and payments may be made on his certificate
25 of necessity for confidential military purposes;

1 \$18,999,825,000 and, in addition, \$50,000,000 shall be
2 derived by transfer from the National Defense Stockpile
3 Transaction Fund.

4 OPERATION AND MAINTENANCE, NAVY
5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance of the Navy and the
8 Marine Corps, as authorized by law; and not to exceed
9 \$4,151,000 can be used for emergencies and extraordinary
10 expenses, to be expended on the approval or authority of
11 the Secretary of the Navy, and payments may be made
12 on his certificate of necessity for confidential military pur-
13 poses; \$20,846,710,000 and, in addition, \$50,000,000
14 shall be derived by transfer from the National Defense
15 Stockpile Transaction Fund.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance of the Marine Corps,
19 as authorized by law; \$2,508,822,000.

20 OPERATION AND MAINTENANCE, AIR FORCE
21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Air Force, as
24 authorized by law; and not to exceed \$8,326,000 can be
25 used for emergencies and extraordinary expenses, to be ex-

1 pended on the approval or authority of the Secretary of
2 the Air Force, and payments may be made on his certifi-
3 cate of necessity for confidential military purposes;
4 \$18,894,397,000 and, in addition, \$50,000,000 shall be
5 derived by transfer from the National Defense Stockpile
6 Transaction Fund.

7 OPERATION AND MAINTENANCE, DEFENSE-WIDE

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance of activities and agen-
10 cies of the Department of Defense (other than the military
11 departments), as authorized by law; \$9,958,810,000, of
12 which not to exceed \$25,000,000 may be available for the
13 CINC initiative fund account; and of which not to exceed
14 \$28,588,000 can be used for emergencies and extraor-
15 dinary expenses, to be expended on the approval or author-
16 ity of the Secretary of Defense, and payments may be
17 made on his certificate of necessity for confidential mili-
18 tary purposes.

19 OPERATION AND MAINTENANCE, ARMY RESERVE

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance, including training, or-
22 ganization, and administration, of the Army Reserve; re-
23 pair of facilities and equipment; hire of passenger motor
24 vehicles; travel and transportation; care of the dead; re-

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance, including training, or-
6 ganization, and administration, of the Navy Reserve; re-
7 pair of facilities and equipment; hire of passenger motor
8 vehicles; travel and transportation; care of the dead; re-
9 cruiting; procurement of services, supplies, and equip-
10 ment; and communications; \$857,042,000: *Provided*, That
11 of the funds appropriated in this paragraph, \$19,000,000
12 shall not be obligated or expended until authorized by law.

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance, including training, or-
17 ganization, and administration, of the Marine Corps Re-
18 serve; repair of facilities and equipment; hire of passenger
19 motor vehicles; travel and transportation; care of the dead,
20 recruiting; procurement of services, supplies, and equip-
21 ment; and communications; \$104,783,000: *Provided*, That
22 of the funds appropriated in this paragraph, \$13,000,000
23 shall not be obligated or expended until authorized by law.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications; \$1,519,287,000: *Provided,*
9 That of the funds appropriated in this paragraph,
10 \$11,840,000 shall not be obligated or expended until au-
11 thorized by law.

12 OPERATION AND MAINTENANCE, ARMY NATIONAL
13 GUARD

14 For expenses of training, organizing, and administer-
15 ing the Army National Guard, including medical and hos-
16 pital treatment and related expenses in non-Federal hos-
17 pitals; maintenance, operation, and repairs to structures
18 and facilities; hire of passenger motor vehicles; personnel
19 services in the National Guard Bureau; travel expenses
20 (other than mileage), as authorized by law for Army per-
21 sonnel on active duty, for Army National Guard division,
22 regimental, and battalion commanders while inspecting
23 units in compliance with National Guard Bureau regula-
24 tions when specifically authorized by the Chief, National
25 Guard Bureau; supplying and equipping the Army Na-

1 tional Guard as authorized by law; and expenses of repair,
2 modification, maintenance, and issue of supplies and
3 equipment (including aircraft); \$2,344,008,000.

4 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

5 For operation and maintenance of the Air National
6 Guard, including medical and hospital treatment and re-
7 lated expenses in non-Federal hospitals; maintenance, op-
8 eration, repair, and other necessary expenses of facilities
9 for the training and administration of the Air National
10 Guard, including repair of facilities, maintenance, oper-
11 ation, and modification of aircraft; transportation of
12 things; hire of passenger motor vehicles; supplies, mate-
13 rials, and equipment, as authorized by law for the Air Na-
14 tional Guard; and expenses incident to the maintenance
15 and use of supplies, materials, and equipment, including
16 such as may be furnished from stocks under the control
17 of agencies of the Department of Defense; travel expenses
18 (other than mileage) on the same basis as authorized by
19 law for Air National Guard personnel on active Federal
20 duty, for Air National Guard commanders while inspecting
21 units in compliance with National Guard Bureau regula-
22 tions when specifically authorized by the Chief, National
23 Guard Bureau; \$2,737,221,000: *Provided*, That of the
24 funds appropriated in this paragraph, \$3,000,000 shall
25 not be obligated or expended until authorized by law.

1 UNITED STATES COURT OF APPEALS FOR THE ARMED
2 FORCES

3 For salaries and expenses necessary for the United
4 States Court of Appeals for the Armed Forces;
5 \$6,521,000, of which not to exceed \$2,500 can be used
6 for official representation purposes.

7 ENVIRONMENTAL RESTORATION, DEFENSE
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of Defense; \$1,422,200,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of Defense shall, upon determining that such funds
12 are required for environmental restoration, reduction and
13 recycling of hazardous waste, removal of unsafe buildings
14 and debris of the Department of Defense, or for similar
15 purposes (including programs and operations at sites for-
16 merly used by the Department of Defense), transfer the
17 funds made available by this appropriation to other appro-
18 priations made available to the Department of Defense as
19 the Secretary may designate, to be merged with and to
20 be available for the same purposes and for the same time
21 period as the appropriations of funds to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation.

1 SUMMER OLYMPICS

2 For logistical support and personnel services (other
3 than pay and non-travel-related allowances of members of
4 the Armed Forces of the United States, except for mem-
5 bers of the reserve components thereof called or ordered
6 to active duty to provide support for the 1996 Games of
7 the XXVI Olympiad to be held in Atlanta, Georgia) pro-
8 vided by any component of the Department of Defense to
9 the 1996 Games of the XXVI Olympiad; \$15,000,000:
10 *Provided*, That funds appropriated under this heading
11 shall remain available for obligation until September 30,
12 1997.

13 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

14 For expenses relating to the Overseas Humanitarian,
15 Disaster, and Civic Aid programs of the Department of
16 Defense (consisting of the programs provided under sec-
17 tions 401, 402, 404, 2547, and 2551 of title 10, United
18 States Code); \$50,000,000.

19 FORMER SOVIET UNION THREAT REDUCTION

20 For assistance to the republics of the former Soviet
21 Union, including assistance provided by contract or by
22 grants, for facilitating the elimination and the safe and
23 secure transportation and storage of nuclear, chemical and
24 other weapons; for establishing programs to prevent the
25 proliferation of weapons, weapons components, and weap-

1 on-related technology and expertise; for programs relating
2 to the training and support of defense and military person-
3 nel for demilitarization and protection of weapons, weap-
4 ons components and weapons technology and expertise;
5 \$200,000,000 to remain available until expended.

6 TITLE III

7 PROCUREMENT

8 AIRCRAFT PROCUREMENT, ARMY

9 For construction, procurement, production, modifica-
10 tion, and modernization of aircraft, equipment, including
11 ordnance, ground handling equipment, spare parts, and
12 accessories therefor; specialized equipment and training
13 devices; expansion of public and private plants, including
14 the land necessary therefor, for the foregoing purposes,
15 and such lands and interests therein, may be acquired,
16 and construction prosecuted thereon prior to approval of
17 title; and procurement and installation of equipment, ap-
18 pliances, and machine tools in public and private plants;
19 reserve plant and Government and contractor-owned
20 equipment layaway; and other expenses necessary for the
21 foregoing purposes; \$1,468,067,000, to remain available
22 for obligation until September 30, 1998: *Provided*, That
23 of the funds appropriated in this paragraph, \$45,000,000
24 shall not be obligated or expended until authorized by law.

1 MISSILE PROCUREMENT, ARMY

2 For construction, procurement, production, modifica-
3 tion, and modernization of missiles, equipment, including
4 ordnance, ground handling equipment, spare parts, and
5 accessories therefor; specialized equipment and training
6 devices; expansion of public and private plants, including
7 the land necessary therefor, for the foregoing purposes,
8 and such lands and interests therein, may be acquired,
9 and construction prosecuted thereon prior to approval of
10 title; and procurement and installation of equipment, ap-
11 pliances, and machine tools in public and private plants;
12 reserve plant and Government and contractor-owned
13 equipment layaway; and other expenses necessary for the
14 foregoing purposes; \$842,830,000, to remain available for
15 obligation until September 30, 1998.

16 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
17 VEHICLES, ARMY

18 For construction, procurement, production, and
19 modification of weapons and tracked combat vehicles,
20 equipment, including ordnance, spare parts, and acces-
21 sories therefor; specialized equipment and training devices;
22 expansion of public and private plants, including the land
23 necessary therefor, for the foregoing purposes, and such
24 lands and interests therein, may be acquired, and con-
25 struction prosecuted thereon prior to approval of title; and

1 procurement and installation of equipment, appliances,
2 and machine tools in public and private plants; reserve
3 plant and Government and contractor-owned equipment
4 layaway; and other expenses necessary for the foregoing
5 purposes; \$1,616,964,000, to remain available for obliga-
6 tion until September 30, 1998: *Provided*, That of the
7 funds appropriated in this paragraph, \$257,300,000 shall
8 not be obligated or expended until authorized by law.

9 PROCUREMENT OF AMMUNITION, ARMY

10 For construction, procurement, production, and
11 modification of ammunition, and accessories therefor; spe-
12 cialized equipment and training devices; expansion of pub-
13 lic and private plants, including ammunition facilities au-
14 thorized by section 2854, title 10, United States Code, and
15 the land necessary therefor, for the foregoing purposes,
16 and such lands and interests therein, may be acquired,
17 and construction prosecuted thereon prior to approval of
18 title; and procurement and installation of equipment, ap-
19 pliances, and machine tools in public and private plants;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes; \$1,019,315,000, to remain available
23 for obligation until September 30, 1998.

1 OTHER PROCUREMENT, ARMY

2 For construction, procurement, production, and
3 modification of vehicles, including tactical, support, and
4 nontracked combat vehicles; the purchase of not to exceed
5 41 passenger motor vehicles for replacement only; commu-
6 nications and electronic equipment; other support equip-
7 ment; spare parts, ordnance, and accessories therefor; spe-
8 cialized equipment and training devices; expansion of pub-
9 lic and private plants, including the land necessary there-
10 for, for the foregoing purposes, and such lands and inter-
11 ests therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; and procurement and
13 installation of equipment, appliances, and machine tools
14 in public and private plants; reserve plant and Govern-
15 ment and contractor-owned equipment layaway; and other
16 expenses necessary for the foregoing purposes;
17 \$2,570,125,000, to remain available for obligation until
18 September 30, 1998: *Provided*, That of the funds appro-
19 priated in this paragraph, \$24,538,000 shall not be obli-
20 gated or expended until authorized by law.

21 AIRCRAFT PROCUREMENT, NAVY

22 For construction, procurement, production, modifica-
23 tion, and modernization of aircraft, equipment, including
24 ordnance, spare parts, and accessories therefor; specialized
25 equipment; expansion of public and private plants, includ-

1 ing the land necessary therefor, and such lands and inter-
2 ests therein, may be acquired, and construction prosecuted
3 thereon prior to approval of title; and procurement and
4 installation of equipment, appliances, and machine tools
5 in public and private plants; reserve plant and Govern-
6 ment and contractor-owned equipment layaway;
7 \$4,310,703,000, to remain available for obligation until
8 September 30, 1998: *Provided*, That of the funds appro-
9 priated in this paragraph, \$204,215,000 shall not be obli-
10 gated or expended until authorized by law.

11 WEAPONS PROCUREMENT, NAVY

12 For construction, procurement, production, modifica-
13 tion, and modernization of missiles, torpedoes, other weap-
14 ons, and related support equipment including spare parts,
15 and accessories therefor; expansion of public and private
16 plants, including the land necessary therefor, and such
17 lands and interests therein, may be acquired, and con-
18 struction prosecuted thereon prior to approval of title; and
19 procurement and installation of equipment, appliances,
20 and machine tools in public and private plants; reserve
21 plant and Government and contractor-owned equipment
22 layaway; \$1,736,211,000, to remain available for obliga-
23 tion until September 30, 1998: *Provided*, That of the
24 funds appropriated in this paragraph, \$109,800,000 shall
25 not be obligated or expended until authorized by law.

19 SHIPBUILDING AND CONVERSION, NAVY

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1 long leadtime components and designs for vessels to be
2 constructed or converted in the future; and expansion of
3 public and private plants, including land necessary there-
4 for, and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title; \$5,577,958,000, to remain available for obligation
7 until September 30, 2000: *Provided*, That additional obli-
8 gations may be incurred after September 30, 2000, for
9 engineering services, tests, evaluations, and other such
10 budgeted work that must be performed in the final stage
11 of ship construction: *Provided further*, That none of the
12 funds herein provided for the construction or conversion
13 of any naval vessel to be constructed in shipyards in the
14 United States shall be expended in foreign facilities for
15 the construction of major components of such vessel: *Pro-*
16 *vided further*, That none of the funds herein provided shall
17 be used for the construction of any naval vessel in foreign
18 shipyards.

19 OTHER PROCUREMENT, NAVY

20 For procurement, production, and modernization of
21 support equipment and materials not otherwise provided
22 for, Navy ordnance (except ordnance for new aircraft, new
23 ships, and ships authorized for conversion); the purchase
24 of not to exceed 252 passenger motor vehicles for replace-
25 ment only; expansion of public and private plants, includ-

1 ing the land necessary therefor, and such lands and inter-
2 ests therein, may be acquired, and construction prosecuted
3 thereon prior to approval of title; and procurement and
4 installation of equipment, appliances, and machine tools
5 in public and private plants; reserve plant and Govern-
6 ment and contractor-owned equipment layaway;
7 \$2,480,670,000, to remain available for obligation until
8 September 30, 1998: *Provided*, That of the funds appro-
9 priated in this paragraph, \$19,198,000 shall not be obli-
10 gated or expended until authorized by law.

11 PROCUREMENT, MARINE CORPS

12 For expenses necessary for the procurement, manu-
13 facture, and modification of missiles, armament, military
14 equipment, spare parts, and accessories therefor; plant
15 equipment, appliances, and machine tools, and installation
16 thereof in public and private plants; reserve plant and
17 Government and contractor-owned equipment layaway; ve-
18 hicles for the Marine Corps, including the purchase of not
19 to exceed 194 passenger motor vehicles for replacement
20 only; and expansion of public and private plants, including
21 land necessary therefor, and such lands and interests
22 therein, may be acquired and construction prosecuted
23 thereon prior to approval of title; \$480,852,000, to remain
24 available for obligation until September 30, 1998: *Pro-*
25 *vided*, That of the funds appropriated in this paragraph,

1 \$81,605,000 shall not be obligated or expended until au-
2 thorized by law.

3 AIRCRAFT PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 aircraft and equipment, including armor and armament,
6 specialized ground handling equipment, and training de-
7 vices, spare parts, and accessories therefor; specialized
8 equipment; expansion of public and private plants, Gov-
9 ernment-owned equipment and installation thereof in such
10 plants, erection of structures, and acquisition of land, for
11 the foregoing purposes, and such lands and interests
12 therein, may be acquired, and construction prosecuted
13 thereon prior to approval of title; reserve plant and Gov-
14 ernment and contractor-owned equipment layaway; and
15 other expenses necessary for the foregoing purposes in-
16 cluding rents and transportation of things;
17 \$7,162,603,000, to remain available for obligation until
18 September 30, 1998: *Provided*, That of the funds appro-
19 priated in this paragraph, \$130,651,000 shall not be obli-
20 gated or expended until authorized by law.

21 MISSILE PROCUREMENT, AIR FORCE

22 For construction, procurement, and modification of
23 missiles, spacecraft, rockets, and related equipment, in-
24 cluding spare parts and accessories therefor, ground han-
25 dling equipment, and training devices; expansion of public

1 and private plants, Government-owned equipment and in-
2 stallation thereof in such plants, erection of structures,
3 and acquisition of land, for the foregoing purposes, and
4 such lands and interests therein, may be acquired, and
5 construction prosecuted thereon prior to approval of title;
6 reserve plant and Government and contractor-owned
7 equipment layaway; and other expenses necessary for the
8 foregoing purposes including rents and transportation of
9 things; \$3,223,265,000, to remain available for obligation
10 until September 30, 1998.

11 PROCUREMENT OF AMMUNITION, AIR FORCE

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities au-
16 thorized by section 2854, title 10, United States Code, and
17 the land necessary therefor, for the foregoing purposes,
18 and such lands and interests therein, may be acquired,
19 and construction prosecuted thereon prior to approval of
20 title; and procurement and installation of equipment, ap-
21 pliances, and machine tools in public and private plants;
22 reserve plant and Government and contractor-owned
23 equipment layaway; and other expenses necessary for the
24 foregoing purposes; \$321,328,000, to remain available for
25 obligation until September 30, 1998.

1 OTHER PROCUREMENT, AIR FORCE

2 For procurement and modification of equipment (in-
3 cluding ground guidance and electronic control equipment,
4 and ground electronic and communication equipment),
5 and supplies, materials, and spare parts therefor, not oth-
6 erwise provided for; the purchase of not to exceed 385 pas-
7 senger motor vehicles for replacement only; and expansion
8 of public and private plants, Government-owned equip-
9 ment and installation thereof in such plants, erection of
10 structures, and acquisition of land, for the foregoing pur-
11 poses, and such lands and interests therein, may be ac-
12 quired, and construction prosecuted thereon, prior to ap-
13 proval of title; reserve plant and Government and contrac-
14 tor-owned equipment layaway; \$6,508,425,000, to remain
15 available for obligation until September 30, 1998.

16 PROCUREMENT, DEFENSE-WIDE

17 For expenses of activities and agencies of the Depart-
18 ment of Defense (other than the military departments)
19 necessary for procurement, production, and modification
20 of equipment, supplies, materials, and spare parts there-
21 for, not otherwise provided for; the purchase of not to ex-
22 ceed 451 passenger motor vehicles, of which 447 shall be
23 for replacement only; expansion of public and private
24 plants, equipment, and installation thereof in such plants,
25 erection of structures, and acquisition of land for the fore-

1 going purposes, and such lands and interests therein, may
2 be acquired, and construction prosecuted thereon prior to
3 approval of title; reserve plant and Government and con-
4 tractor-owned equipment layaway; \$2,187,085,000, to re-
5 main available for obligation until September 30, 1998.

6 NATIONAL GUARD AND RESERVE EQUIPMENT

7 For procurement of aircraft, missiles, tracked combat
8 vehicles, ammunition, other weapons, and other procure-
9 ment for the reserve components of the Armed Forces;
10 \$908,125,000, to remain available for obligation until Sep-
11 tember 30, 1998: *Provided*, That of the funds appro-
12 priated in this paragraph, \$138,125,000 shall not be obli-
13 gated or expended until authorized by law.

14 TITLE IV

15 RESEARCH, DEVELOPMENT, TEST AND
16 EVALUATION

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
18 ARMY

19 For expenses necessary for basic and applied sci-
20 entific research, development, test and evaluation, includ-
21 ing maintenance, rehabilitation, lease, and operation of fa-
22 cilities and equipment, as authorized by law;
23 \$4,742,150,000, to remain available for obligation until
24 September 30, 1997.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, as authorized by law;
7 \$8,715,481,000, to remain available for obligation until
8 September 30, 1997: *Provided*, That none of the funds
9 appropriated in this paragraph may be obligated or ex-
10 pended to develop or purchase equipment for an Aegis de-
11 stroyer variant (commonly known as “Flight IIA”) whose
12 initial operating capability is budgeted to be achieved prior
13 to the initial operating capability of the Ship Self-Defense
14 program, nor to develop sensor, processor, or display capa-
15 bilities which duplicate in any way those being developed
16 in the Ship Self-Defense program: *Provided further*, That
17 funds appropriated in this paragraph for development of
18 the LPD-17 ship may not be obligated unless the baseline
19 design of the ship includes cooperative engagement capa-
20 bility and sufficient own-ship self-defense capability
21 against advanced sea-skimming antiship cruise missiles in
22 the baseline design to achieve an estimated probability of
23 survival from attack by such missiles at a level no less
24 than any other Navy ship: *Provided further*, That funds
25 appropriated in this paragraph which are available for the

1 V-22 may be used to meet unique requirements of the
2 Special Operations Forces: *Provided further*, That of the
3 funds appropriated in this paragraph, \$189,972,000 shall
4 not be obligated or expended until authorized by law.

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 AIR FORCE

7 For expenses necessary for basic and applied sci-
8 entific research, development, test and evaluation, includ-
9 ing maintenance, rehabilitation, lease, and operation of fa-
10 cilities and equipment, as authorized by law;
11 \$13,110,335,000, to remain available for obligation until
12 September 30, 1997: *Provided*, That of the funds made
13 available in this paragraph, \$50,000,000 shall be only for
14 development of reusable launch vehicle technologies.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 DEFENSE-WIDE

17 For expenses of activities and agencies of the Depart-
18 ment of Defense (other than the military departments),
19 necessary for basic and applied scientific research, devel-
20 opment, test and evaluation; advanced research projects
21 as may be designated and determined by the Secretary
22 of Defense, pursuant to law; maintenance, rehabilitation,
23 lease, and operation of facilities and equipment, as author-
24 ized by law; \$9,029,666,000, to remain available for obli-
25 gation until September 30, 1997: *Provided*, That not less

1 than \$170,000,000 of the funds appropriated in this para-
2 graph shall be made available only for the Sea-Based Wide
3 Area Defense (Navy Upper-Tier) program.

4 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

5 For expenses, not otherwise provided for, of inde-
6 pendent activities of the Director, Test and Evaluation in
7 the direction and supervision of developmental test and
8 evaluation, including performance and joint developmental
9 testing and evaluation; and administrative expenses in
10 connection therewith; \$259,341,000, to remain available
11 for obligation until September 30, 1997: *Provided*, That
12 of the funds appropriated in this paragraph, \$20,000,000
13 shall not be obligated or expended until authorized by law.

14 OPERATIONAL TEST AND EVALUATION, DEFENSE

15 For expenses, not otherwise provided for, necessary
16 for the independent activities of the Director, Operational
17 Test and Evaluation in the direction and supervision of
18 operational test and evaluation, including initial oper-
19 ational test and evaluation which is conducted prior to,
20 and in support of, production decisions; joint operational
21 testing and evaluation; and administrative expenses in
22 connection therewith; \$22,587,000, to remain available for
23 obligation until September 30, 1997.

1 TITLE V
2 REVOLVING AND MANAGEMENT FUNDS
3 DEFENSE BUSINESS OPERATIONS FUND

4 For the Defense Business Operations Fund;
5 \$1,573,800,000: *Provided*, That of this amount,
6 \$695,100,000 shall be available only for the liquidation
7 of prior year accumulated operating losses of the Depart-
8 ment of the Navy: *Provided further*, That of the funds ap-
9 propriated in this paragraph, \$695,100,000 shall not be
10 obligated or expended until authorized by law.

11 NATIONAL DEFENSE SEALIFT FUND
12 For National Defense Sealift Fund programs,
13 projects, and activities, and for expenses of the National
14 Defense Reserve Fleet, as established by section 11 of the
15 Merchant Ship Sales Act of 1946 (50 U.S.C. App 1744);
16 \$974,220,000, to remain available until expended: *Pro-*
17 *vided*, That none of the funds provided in this paragraph
18 shall be used to award a new contract that provides for
19 the acquisition of any of the following major components
20 unless such components are manufactured in the United
21 States: auxiliary equipment, including pumps, for all ship-
22 board services; propulsion system components (that is; en-
23 gines, reduction gears, and propellers); shipboard cranes;
24 and spreaders for shipboard cranes: *Provided further*, That
25 the exercise of an option in a contract awarded through

1 the obligation of previously appropriated funds shall not
2 be considered to be the award of a new contract: *Provided*
3 *further*, That the Secretary of the military department re-
4 sponsible for such procurement may waive this restriction
5 on a case-by-case basis by certifying in writing to the
6 Committees on Appropriations of the House of Represent-
7 atives and the Senate, that adequate domestic supplies are
8 not available to meet Department of Defense requirements
9 on a timely basis and that such an acquisition must be
10 made in order to acquire capability for national security
11 purposes.

12 TITLE VI

13 OTHER DEPARTMENT OF DEFENSE PROGRAMS

14 DEFENSE HEALTH PROGRAM

15 For expenses, not otherwise provided for, for medical
16 and health care programs of the Department of Defense,
17 as authorized by law; \$10,205,158,000, of which
18 \$9,917,125,000 shall be for Operation and maintenance,
19 of which \$288,033,000, to remain available for obligation
20 until September 30, 1998, shall be for Procurement: *Pro-*
21 *vided*, That the Department shall continue to competi-
22 tively contract during fiscal year 1996 for mail service
23 pharmacy for at least two multi-state regions in addition
24 to the ongoing solicitations for Florida, South Carolina,
25 Georgia, Delaware, New Jersey, Pennsylvania, and Ha-

1 waii, as well as each base closure area not supported by
2 an at-risk managed care plan; that such services shall be
3 procured independent of any other Department managed
4 care contracts; that one multi-state region shall include
5 the State of Kentucky and that one multi-state region
6 shall include the State of New Mexico: *Provided*, That of
7 the funds appropriated in this paragraph, \$40,600,000
8 shall not be obligated or expended until authorized by law.

9 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

10 DEFENSE

11 For expenses, not otherwise provided for, necessary
12 for the destruction of the United States stockpile of lethal
13 chemical agents and munitions in accordance with the pro-
14 visions of section 1412 of the Department of Defense Au-
15 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
16 struction of other chemical warfare materials that are not
17 in the chemical weapon stockpile, \$746,698,000, of which
18 \$393,850,000 shall be for Operation and maintenance,
19 \$299,448,000 shall be for Procurement to remain avail-
20 able until September 30, 1998, and \$53,400,000 shall be
21 for Research, development, test and evaluation to remain
22 available until September 30, 1997.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of
5 the Department of Defense, for transfer to appropriations
6 available to the Department of Defense for military per-
7 sonnel of the reserve components serving under the provi-
8 sions of title 10 and title 32, United States Code; for Op-
9 eration and maintenance; for Procurement; and for Re-
10 search, development, test and evaluation; \$688,432,000:
11 *Provided*, That the funds appropriated by this paragraph
12 shall be available for obligation for the same time period
13 and for the same purpose as the appropriation to which
14 transferred: *Provided further*, That the transfer authority
15 provided in this paragraph is in addition to any transfer
16 authority contained elsewhere in this Act: *Provided fur-*
17 *ther*, That of the funds appropriated in this paragraph,
18 \$8,000,000 shall not be obligated or expended until au-
19 thorized by law.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses and activities of the Office of the In-
22 spector General in carrying out the provisions of the In-
23 spector General Act of 1978, as amended; \$178,226,000,
24 of which \$177,226,000 shall be for Operation and mainte-
25 nance, of which not to exceed \$400,000 is available for

1 emergencies and extraordinary expenses to be expended on
2 the approval or authority of the Inspector General, and
3 payments may be made on his certificate of necessity for
4 confidential military purposes; and of which \$1,000,000
5 to remain available until September 30, 1998, shall be for
6 Procurement.

7 TITLE VII

8 RELATED AGENCIES

9 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

10 DISABILITY SYSTEM FUND

11 For payment to the Central Intelligence Agency Re-
12 tirement and Disability System Fund, to maintain proper
13 funding level for continuing the operation of the Central
14 Intelligence Agency Retirement and Disability System;
15 \$213,900,000.

16 NATIONAL SECURITY EDUCATION TRUST FUND

17 (RESCISSION)

18 Of the funds made available under this heading in
19 Public Law 102-172, Public Law 103-50, Public Law
20 103-139, and Public Law 103-335, \$78,100,000 are re-
21 scinded: *Provided*, That the balance of funds in the Na-
22 tional Security Education Trust Fund (established pursu-
23 ant to section 804 of the David L. Boren National Secu-
24 rity Education Act of 1991 (50 U.S.C. 1904)), other than
25 such amount as is necessary for obligations made before

1 the date of the enactment of this Act, is hereby reduced
2 to zero: *Provided further*, That no outlay may be made
3 from the Fund after the date of the enactment of this Act
4 other than to liquidate an obligation made before such
5 date and upon liquidation of all such obligations made be-
6 fore such date, the Fund shall be closed: *Provided further*,
7 That no obligation may be made from the Fund after the
8 date of the enactment of this Act.

9 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

10 For necessary expenses of the Intelligence Commu-
11 nity Management Account; \$75,683,000.

12 TITLE VIII

13 GENERAL PROVISIONS

14 SEC. 8001. No part of any appropriation contained
15 in this Act shall be used for publicity or propaganda pur-
16 poses not authorized by the Congress.

17 SEC. 8002. During the current fiscal year, provisions
18 of law prohibiting the payment of compensation to, or em-
19 ployment of, any person not a citizen of the United States
20 shall not apply to personnel of the Department of Defense:
21 *Provided*, That salary increases granted to direct and indi-
22 rect hire foreign national employees of the Department of
23 Defense funded by this Act shall not be at a rate in excess
24 of the percentage increase authorized by law for civilian
25 employees of the Department of Defense whose pay is

1 computed under the provisions of section 5332 of title 5,
2 United States Code, or at a rate in excess of the percent-
3 age increase provided by the appropriate host nation to
4 its own employees, whichever is higher: *Provided further,*
5 That this section shall not apply to Department of De-
6 fense foreign service national employees serving at United
7 States diplomatic missions whose pay is set by the Depart-
8 ment of State under the Foreign Service Act of 1980.

9 SEC. 8003. No part of any appropriation contained
10 in this Act shall remain available for obligation beyond
11 the current fiscal year, unless expressly so provided herein.

12 SEC. 8004. No more than 20 per centum of the ap-
13 propriations in this Act which are limited for obligation
14 during a single fiscal year shall be obligated during the
15 last two months of such fiscal year: *Provided,* That this
16 section shall not apply to obligations for support of active
17 duty training of reserve components or summer camp
18 training of the Reserve Officers' Training Corps.

19 (TRANSFER OF FUNDS)

20 SEC. 8005. Upon determination by the Secretary of
21 Defense that such action is necessary in the national inter-
22 est, he may, with the approval of the Office of Manage-
23 ment and Budget, transfer not to exceed \$2,000,000,000
24 of working capital funds of the Department of Defense
25 or funds made available in this Act to the Department
26 of Defense for military functions (except military con-

struction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That only for valid Ship Cost Adjustments related to the Shipbuilding and Construction, Navy Appropriation such authority to transfer may be used to transfer funds made available in this or any previous Department of Defense Appropriations Act subject to the same conditions required elsewhere in this paragraph: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the “Foreign

1 Currency Fluctuations, Defense” and “Operation and
2 Maintenance” appropriation accounts in such amounts as
3 may be determined by the Secretary of Defense, with the
4 approval of the Office of Management and Budget, except
5 that such transfers may not be made unless the Secretary
6 of Defense has notified the Congress of the proposed
7 transfer. Except in amounts equal to the amounts appro-
8 priated to working capital funds in this Act, no obligations
9 may be made against a working capital fund to procure
10 or increase the value of war reserve material inventory,
11 unless the Secretary of Defense has notified the Congress
12 prior to any such obligation.

13 SEC. 8007. Using funds available by this Act or any
14 other Act, the Secretary of the Air Force, pursuant to a
15 determination under section 2690 of title 10, United
16 States Code, may implement cost-effective agreements for
17 required heating facility modernization in the
18 Kaiserslautern Military Community in the Federal Repub-
19 lic of Germany: *Provided*, That in the City of
20 Kaiserslautern such agreements will include the use of
21 United States anthracite as the base load energy for mu-
22 nicipal district heat to the United States Defense installa-
23 tions: *Provided further*, That at Landstuhl Army Regional
24 Medical Center and Ramstein Air Base, furnished heat
25 may be obtained from private, regional or municipal serv-

1 ices, if provisions are included for the consideration of
2 United States coal as an energy source.

3 SEC. 8008. Funds appropriated by this Act may not
4 be used to initiate a special access program without prior
5 notification 30 calendar days in session in advance to the
6 congressional defense committees.

7 SEC. 8009. None of the funds contained in this Act
8 available for the Civilian Health and Medical Program of
9 the Uniformed Services shall be available for payments to
10 physicians and other non-institutional health care provid-
11 ers in excess of the amounts allowed in fiscal year 1995
12 for similar services, except that: (a) for services for which
13 the Secretary of Defense determines an increase is justi-
14 fied by economic circumstances, the allowable amounts
15 may be increased in accordance with appropriate economic
16 index data similar to that used pursuant to title XVIII
17 of the Social Security Act; and (b) for services the Sec-
18 retary determines are overpriced based on allowable pay-
19 ments under title XVIII of the Social Security Act, the
20 allowable amounts shall be reduced by not more than 15
21 percent (except that the reduction may be waived if the
22 Secretary determines that it would impair adequate access
23 to health care services for beneficiaries). The Secretary
24 shall solicit public comment prior to promulgating regula-
25 tions to implement this section. Such regulations shall in-

1 clude a limitation, similar to that used under title XVIII
2 of the Social Security Act, on the extent to which a pro-
3 vider may bill a beneficiary an actual charge in excess of
4 the allowable amount.

5 SEC. 8010. None of the funds provided in this Act
6 shall be available to initiate (1) a multiyear contract that
7 employs economic order quantity procurement in excess of
8 \$20,000,000 in any one year of the contract or that in-
9 cludes an unfunded contingent liability in excess of
10 \$20,000,000, or (2) a contract for advance procurement
11 leading to a multiyear contract that employs economic
12 order quantity procurement in excess of \$20,000,000 in
13 any one year, unless the congressional defense committees
14 have been notified at least thirty days in advance of the
15 proposed contract award: *Provided*, That no part of any
16 appropriation contained in this Act shall be available to
17 initiate a multiyear contract for which the economic order
18 quantity advance procurement is not funded at least to
19 the limits of the Government's liability: *Provided further*,
20 That no part of any appropriation contained in this Act
21 shall be available to initiate multiyear procurement con-
22 tracts for any systems or component thereof if the value
23 of the multiyear contract would exceed \$500,000,000 un-
24 less specifically provided in this Act: *Provided further*,
25 That no multiyear procurement contract can be termi-

1 nated without 10-day prior notification to the congres-
2 sional defense committees: *Provided further*, That the exe-
3 cution of multiyear authority shall require the use of a
4 present value analysis to determine lowest cost compared
5 to an annual procurement.

6 Funds appropriated in title III of this Act may be
7 used for multiyear procurement contracts as follows:

8 E-2C aircraft;

9 AV-8B aircraft remanufacture;

10 T-45 aircraft.

11 SEC. 8011. Within the funds appropriated for the op-
12 eration and maintenance of the Armed Forces, funds are
13 hereby appropriated pursuant to section 401 of title 10,
14 United States Code, for humanitarian and civic assistance
15 costs under chapter 20 of title 10, United States Code.
16 Such funds may also be obligated for humanitarian and
17 civic assistance costs incidental to authorized operations
18 and pursuant to authority granted in section 401 of chap-
19 ter 20 of title 10, United States Code, and these obliga-
20 tions shall be reported to Congress on September 30 of
21 each year: *Provided*, That funds available for operation
22 and maintenance shall be available for providing humani-
23 tarian and similar assistance by using Civic Action Teams
24 in the Trust Territories of the Pacific Islands and freely
25 associated states of Micronesia, pursuant to the Compact

1 of Free Association as authorized by Public Law 99–
2 239.

3 SEC. 8012. (a) During fiscal year 1996, the civilian
4 personnel of the Department of Defense may not be man-
5 aged on the basis of any end-strength, and the manage-
6 ment of such personnel during that fiscal year shall not
7 be subject to any constraint or limitation (known as an
8 end-strength) on the number of such personnel who may
9 be employed on the last day of such fiscal year.

10 (b) The fiscal year 1997 budget request for the De-
11 partment of Defense as well as all justification material
12 and other documentation supporting the fiscal year 1997
13 Department of Defense budget request shall be prepared
14 and submitted to the Congress as if subsections (a) and
15 (b) of this provision were effective with regard to fiscal
16 year 1997.

17 (c) Nothing in this section shall be construed to apply
18 to military (civilian) technicians.

19 SEC. 8013. Notwithstanding any other provision of
20 law, none of the funds made available by this Act shall
21 be used by the Department of Defense to exceed, outside
22 the fifty United States, its territories, and the District of
23 Columbia, 125,000 civilian workyears: *Provided*, That
24 workyears shall be applied as defined in the Federal Per-
25 sonnel Manual: *Provided further*, That workyears ex-

1 pending in dependent student hiring programs for dis-
2 advantaged youths shall not be included in this workyear
3 limitation.

4 SEC. 8014. None of the funds made available by this
5 Act shall be used in any way, directly or indirectly, to in-
6 fluence congressional action on any legislation or appro-
7 priation matters pending before the Congress.

8 SEC. 8015. None of the funds appropriated for the
9 Department of Defense during the current fiscal year and
10 hereafter shall be obligated for the pay of any individual
11 who is initially employed after the date of enactment of
12 this Act as a technician in the administration and training
13 of the Army Reserve and the maintenance and repair of
14 supplies issued to the Army Reserve unless such individual
15 is also a military member of the Army Reserve troop pro-
16 gram unit that he or she is employed to support. Those
17 technicians employed by the Army Reserve in areas other
18 than Army Reserve troop program units need only be
19 members of the Selected Reserve.

20 SEC. 8016. Notwithstanding any other provision of
21 law, during the current fiscal year and hereafter the Sec-
22 retaries of the Army and Air Force may authorize the re-
23 tention in an active status until age sixty of any person
24 who would otherwise be removed from an active status and
25 who is employed as a National Guard or Reserve techni-

1 cian in a position in which active status in a reserve com-
2 ponent of the Army or Air Force is required as a condition
3 of that employment.

4 SEC. 8017. (a) None of the funds appropriated by
5 this Act shall be used to make contributions to the Depart-
6 ment of Defense Education Benefits Fund pursuant to
7 section 2006(g) of title 10, United States Code, represent-
8 ing the normal cost for future benefits under section
9 1415(c) of title 38, United States Code, for any member
10 of the armed services who, on or after the date of enact-
11 ment of this Act—

12 (1) enlists in the armed services for a period of
13 active duty of less than three years; or

14 (2) receives an enlistment bonus under section
15 308a or 308f of title 37, United States Code,

16 nor shall any amounts representing the normal cost of
17 such future benefits be transferred from the Fund by the
18 Secretary of the Treasury to the Secretary of Veterans
19 Affairs pursuant to section 2006(d) of title 10, United
20 States Code; nor shall the Secretary of Veterans Affairs
21 pay such benefits to any such member: *Provided*, That,
22 in the case of a member covered by clause (1), these limi-
23 tations shall not apply to members in combat arms skills
24 or to members who enlist in the armed services on or after
25 July 1, 1989, under a program continued or established

1 by the Secretary of Defense in fiscal year 1991 to test
2 the cost-effective use of special recruiting incentives in-
3 volving not more than nineteen noncombat arms skills ap-
4 proved in advance by the Secretary of Defense: *Provided*
5 *further*, That this subsection applies only to active compo-
6 nents of the Army.

7 (b) None of the funds appropriated by this Act shall
8 be available for the basic pay and allowances of any mem-
9 ber of the Army participating as a full-time student and
10 receiving benefits paid by the Secretary of Veterans Af-
11 fairs from the Department of Defense Education Benefits
12 Fund when time spent as a full-time student is credited
13 toward completion of a service commitment: *Provided*,
14 That this subsection shall not apply to those members who
15 have reenlisted with this option prior to October 1, 1987:
16 *Provided further*, That this subsection applies only to ac-
17 tive components of the Army.

18 SEC. 8018. Funds appropriated for the Department
19 of Defense during the current fiscal year and hereafter
20 shall be available for the payment of not more than 75
21 percent of the charges of a postsecondary educational in-
22 stitution for the tuition or expenses of an officer in the
23 Ready Reserve of the Army National Guard or Army Re-
24 serve for education or training during his off-duty periods,
25 except that no part of the charges may be paid unless the

1 officer agrees to remain a member of the Ready Reserve
2 for at least four years after completion of such training
3 or education.

4 SEC. 8019. None of the funds appropriated by this
5 Act shall be available to convert to contractor performance
6 an activity or function of the Department of Defense that,
7 on or after the date of enactment of this Act, is performed
8 by more than ten Department of Defense civilian employ-
9 ees until a most efficient and cost-effective organization
10 analysis is completed on such activity or function and cer-
11 tification of the analysis is made to the Committees on
12 Appropriations of the House of Representatives and the
13 Senate: *Provided*, That this section shall not apply to a
14 commercial or industrial type function of the Department
15 of Defense that: (1) is included on the procurement list
16 established pursuant to section 2 of the Act of June 25,
17 1938 (41 U.S.C. 47), popularly referred to as the Javits-
18 Wagner-O'Day Act; (2) is planned to be converted to per-
19 formance by a qualified nonprofit agency for the blind or
20 by a qualified nonprofit agency for other severely handi-
21 capped individuals in accordance with that Act; or (3) is
22 planned to be converted to performance by a qualified firm
23 under 51 percent Native American ownership.

24 (TRANSFER OF FUNDS)

25 SEC. 8020. Funds appropriated in title III of this Act
26 for the Department of Defense Pilot Mentor-Protege Pro-

1 gram may be transferred to any other appropriation con-
2 tained in this Act solely for the purpose of implementing
3 a Mentor-Protege Program developmental assistance
4 agreement pursuant to section 831 of the National De-
5 fense Authorization Act for Fiscal Year 1991 (Public Law
6 101-510; 10 U.S.C. 2301 note), as amended, under the
7 authority of this provision or any other transfer authority
8 contained in this Act.

9 SEC. 8021. For the purposes of the Balanced Budget
10 and Emergency Deficit Control Act of 1985 (Public Law
11 99-177) as amended by the Balanced Budget and Emer-
12 gency Deficit Control Reaffirmation Act of 1987 (Public
13 Law 100-119) and by the Budget Enforcement Act of
14 1990 (Public Law 101-508), the term program, project,
15 and activity for appropriations contained in this Act shall
16 be defined as the most specific level of budget items identi-
17 fied in the Department of Defense Appropriations Act,
18 1996, the accompanying House and Senate Committee re-
19 ports, the conference report and accompanying joint ex-
20 planatory statement of the managers of the Committee of
21 Conference, the related classified annexes and reports, and
22 the P-1 and R-1 budget justification documents as subse-
23 quently modified by Congressional action: *Provided*, That
24 the following exception to the above definition shall apply:

1 For the Military Personnel and the Operation and
2 Maintenance accounts, the term “program, project, and
3 activity” is defined as the appropriations accounts con-
4 tained in the Department of Defense Appropriations Act:
5 *Provided further*, That at the time the President submits
6 his budget for fiscal year 1997, the Department of De-
7 fense shall transmit to the congressional defense commit-
8 tees budget justification document to be known as the “O-
9 1” which shall identify, at the budget activity, activity
10 group, and subactivity group level, the amounts requested
11 by the President to be appropriated to the Department
12 of Defense for operation and maintenance in any budget
13 request, or amended budget request, for fiscal year 1997.

14 SEC. 8022. Of the funds appropriated to the Army,
15 \$147,900,000 shall be available only for the Reserve Com-
16 ponent Automation System (RCAS): *Provided*, That none
17 of these funds can be expended—

18 (1) except as approved by the Chief of the Na-
19 tional Guard Bureau;

20 (2) unless RCAS resource management func-
21 tions are performed by the National Guard Bureau;

22 (3) to pay the salary of an RCAS program
23 manager who has not been selected and approved by
24 the Chief of the National Guard Bureau and char-

1 tered by the Chief of the National Guard Bureau
2 and the Secretary of the Army;

3 (4) unless the Program Manager (PM) charter
4 makes the PM accountable to the Chief of the Na-
5 tional Guard Bureau and fully defines his authority,
6 responsibility, reporting channels and organizational
7 structure;

8 (5) to pay the salaries of individuals assigned to
9 the RCAS program management office unless such
10 organization is comprised of personnel chosen jointly
11 by the Chiefs of the National Guard Bureau and the
12 Army Reserve;

13 (6) to pay contracted costs for the acquisition
14 of RCAS unless RCAS is an integrated system con-
15 sisting of software, hardware, and communications
16 equipment and unless such contract continues to
17 preclude the use of Government furnished equip-
18 ment, operating systems, and executive applications
19 software; and

20 (7) unless RCAS performs its own classified in-
21 formation processing:

22 *Provided further,* That notwithstanding any other provi-
23 sion of law, none of the funds appropriated shall be avail-
24 able for procurement of computers for the Army Reserve
25 Component which are used to network or expand the capa-

1 bilities of existing or future information systems or dupli-
2 cate functions to be provided under the RCAS contract
3 unless the procurement meets the following criteria: (A)
4 at sites scheduled to receive RCAS equipment prior to
5 September 30, 1995, RCAS ADP equipment may be pro-
6 cured and only in the numbers and types allocated by the
7 RCAS program to each site; and at sites scheduled to re-
8 ceive RCAS equipment after September 30, 1995, RCAS
9 ADP equipment or ADP equipment from a list of RCAS
10 compatible equipment approved by the Chief of the Na-
11 tional Guard Bureau or his designee, may be procured and
12 only in the numbers and types allocated by the RCAS pro-
13 gram to each site; (B) the requesting organizational ele-
14 ment has insufficient ADP equipment to perform adminis-
15 trative functions but not to exceed the number of work
16 stations determined by the RCAS program for that site;
17 (C) replacement equipment will not exceed the minimum
18 required to maintain the reliability of existing capabilities;
19 (D) replacement will be justified on the basis of cost and
20 feasibility of repairs and maintenance of present ADP
21 equipment as compared to the cost of replacement; and
22 (E) the procurement under this policy must be approved
23 by the Chief of the National Guard Bureau or his des-
24 ignee, provided that the procurement is a one for one re-
25 placement action of existing equipment.

1 SEC. 8023. None of the funds in this Act may be
2 available for the purchase by the Department of Defense
3 (and its departments and agencies) of welded shipboard
4 anchor and mooring chain 4 inches in diameter and under
5 unless the anchor and mooring chain are manufactured
6 in the United States from components which are substan-
7 tially manufactured in the United States: *Provided*, That
8 for the purpose of this section manufactured will include
9 cutting, heat treating, quality control, testing of chain and
10 welding (including the forging and shot blasting process):
11 *Provided further*, That for the purpose of this section sub-
12 stantially all of the components of anchor and mooring
13 chain shall be considered to be produced or manufactured
14 in the United States if the aggregate cost of the compo-
15 nents produced or manufactured in the United States ex-
16 ceeds the aggregate cost of the components produced or
17 manufactured outside the United States: *Provided further*,
18 That when adequate domestic supplies are not available
19 to meet Department of Defense requirements on a timely
20 basis, the Secretary of the service responsible for the pro-
21 curement may waive this restriction on a case-by-case
22 basis by certifying in writing to the Committees on Appro-
23 priations that such an acquisition must be made in order
24 to acquire capability for national security purposes.

(TRANSFER OF FUNDS)

1
2 SEC. 8024. Notwithstanding any other provision of
3 law, the Department of Defense may transfer prior year,
4 unobligated balances and funds appropriated in this Act
5 to the operation and maintenance appropriations for the
6 purpose of providing military technician and Department
7 of Defense medical personnel pay and medical programs
8 (including CHAMPUS) the same exemption from seques-
9 tration set forth in the Balanced Budget and Emergency
10 Deficit Control Act of 1985 (Public Law 99-177) as
11 amended by the Balanced Budget and Emergency Deficit
12 Control Reaffirmation Act of 1987 (Public Law 100-119)
13 and by the Budget Enforcement Act of 1990 (Public Law
14 101-508) as that granted the other military personnel ac-
15 counts: *Provided*, That any transfer made pursuant to any
16 use of the authority provided by this provision shall be
17 limited so that the amounts reprogrammed to the oper-
18 ation and maintenance appropriations do not exceed the
19 amounts sequestered under the Balanced Budget and
20 Emergency Deficit Control Act of 1985 (Public Law 99-
21 177) as amended by the Balanced Budget and Emergency
22 Deficit Control Reaffirmation Act of 1987 (Public Law
23 100-119) and by the Budget Enforcement Act of 1990
24 (Public Law 101-508): *Provided further*, That the author-
25 ity to make transfers pursuant to this section is in addi-

1 tion to the authority to make transfers under other provi-
2 sions of this Act: *Provided further*, That the Secretary of
3 Defense may proceed with such transfer after notifying
4 the Appropriations Committees of the House of Rep-
5 resentatives and the Senate twenty calendar days in ses-
6 sion before any such transfer of funds under this provi-
7 sion.

8 SEC. 8025. None of the funds appropriated by this
9 Act available for the Civilian Health and Medical Program
10 of the Uniformed Services (CHAMPUS) shall be available
11 for the reimbursement of any health care provider for in-
12 patient mental health service for care received when a pa-
13 tient is referred to a provider of inpatient mental health
14 care or residential treatment care by a medical or health
15 care professional having an economic interest in the facil-
16 ity to which the patient is referred: *Provided*, That this
17 limitation does not apply in the case of inpatient mental
18 health services provided under the program for the handi-
19 capped under subsection (d) of section 1079 of title 10,
20 United States Code, provided as partial hospital care, or
21 provided pursuant to a waiver authorized by the Secretary
22 of Defense because of medical or psychological cir-
23 cumstances of the patient that are confirmed by a health
24 professional who is not a Federal employee after a review,
25 pursuant to rules prescribed by the Secretary, which takes

1 into account the appropriate level of care for the patient,
2 the intensity of services required by the patient, and the
3 availability of that care.

4 SEC. 8026. Funds available in this Act may be used
5 to provide transportation for the next-of-kin of individuals
6 who have been prisoners of war or missing in action from
7 the Vietnam era to an annual meeting in the United
8 States, under such regulations as the Secretary of Defense
9 may prescribe.

10 SEC. 8027. Notwithstanding any other provision of
11 law, during the current fiscal year, the Secretary of De-
12 fense may, by Executive Agreement, establish with host
13 nation governments in NATO member states a separate
14 account into which such residual value amounts negotiated
15 in the return of United States military installations in
16 NATO member states may be deposited, in the currency
17 of the host nation, in lieu of direct monetary transfers to
18 the United States Treasury: *Provided*, That such credits
19 may be utilized only for the construction of facilities to
20 support United States military forces in that host nation,
21 or such real property maintenance and base operating
22 costs that are currently executed through monetary trans-
23 fers to such host nations: *Provided further*, That the De-
24 partment of Defense's budget submission for fiscal year
25 1997 shall identify such sums anticipated in residual value

1 settlements, and identify such construction, real property
2 maintenance or base operating costs that shall be funded
3 by the host nation through such credits: *Provided further*,
4 That all military construction projects to be executed from
5 such accounts must be previously approved in a prior Act
6 of Congress: *Provided further*, That each such Executive
7 Agreement with a NATO member host nation shall be re-
8 ported to the congressional defense committees thirty days
9 prior to the conclusion and endorsement of any such
10 agreement established under this provision.

11 SEC. 8028. None of the funds available to the De-
12 partment of Defense in this Act shall be used to demili-
13 tarize or dispose of more than 310,784 unserviceable M1
14 Garand rifles and M1 Carbines.

15 SEC. 8029. Notwithstanding any other provision of
16 law, none of the funds appropriated by this Act shall be
17 available to pay more than 50 percent of an amount paid
18 to any person under section 308 of title 37, United States
19 Code, in a lump sum.

20 SEC. 8030. None of the funds appropriated by this
21 Act may be used by the Department of Defense to assign
22 a supervisor's title or grade when the number of people
23 he or she supervises is considered as a basis for this deter-
24 mination: *Provided*, That savings that result from this

1 provision are represented as such in future budget propos-
2 als.

3 SEC. 8031. None of the funds appropriated by this
4 Act shall be available for payments under the Department
5 of Defense contract with the Louisiana State University
6 Medical Center involving the use of cats for Brain Missile
7 Wound Research, and the Department of Defense shall
8 not make payments under such contract from funds obli-
9 gated prior to the date of the enactment of this Act, except
10 as necessary for costs incurred by the contractor prior to
11 the enactment of this Act: *Provided*, That funds necessary
12 for the care of animals covered by this contract are al-
13 lowed.

14 SEC. 8032. None of the funds provided in this Act
15 or any other Act shall be available to conduct bone trauma
16 research at any Army Research Laboratory until the Sec-
17 retary of the Army certifies that the synthetic compound
18 to be used in the experiments is of such a type that its
19 use will result in a significant medical finding, the re-
20 search has military application, the research will be con-
21 ducted in accordance with the standards set by an animal
22 care and use committee, and the research does not dupli-
23 cate research already conducted by a manufacturer or any
24 other research organization.

1 SEC. 8033. No more than \$50,000 of the funds ap-
2 propriated or made available in this Act shall be used for
3 any single relocation of an organization, unit, activity or
4 function of the Department of Defense into or within the
5 National Capital Region: *Provided*, That the Secretary of
6 Defense may waive this restriction on a case-by-case basis
7 by certifying in writing to the Committees on Appropria-
8 tions of the House of Representatives and Senate that
9 such a relocation is required in the best interest of the
10 Government.

11 SEC. 8034. During the current fiscal year, funds ap-
12 propriated or otherwise available for any Federal agency,
13 the Congress, the judicial branch, or the District of Co-
14 lumbia may be used for the pay, allowances, and benefits
15 of an employee as defined by section 2105 of title 5 or
16 an individual employed by the government of the District
17 of Columbia, permanent or temporary indefinite, who—

18 (1) is a member of a Reserve component of the
19 Armed Forces, as described in section 261 of title
20 10, or the National Guard, as described in section
21 101 of title 32;

22 (2) performs, for the purpose of providing mili-
23 tary aid to enforce the law or providing assistance
24 to civil authorities in the protection or saving of life
25 or property or prevention of injury—

1 (A) Federal service under section 331,
2 332, 333, 3500, or 8500 of title 10, or other
3 provision of law, as applicable, or

4 (B) full-time military service for his State,
5 the District of Columbia, the Commonwealth of
6 Puerto Rico, or a territory of the United States;
7 and

8 (3) requests and is granted—

9 (A) leave under the authority of this sec-
10 tion; or

11 (B) annual leave, which may be granted
12 without regard to the provisions of sections
13 5519 and 6323(b) of title 5, if such employee
14 is otherwise entitled to such annual leave:

15 *Provided*, That any employee who requests leave under
16 subsection (3)(A) for service described in subsection (2)
17 of this section is entitled to such leave, subject to the pro-
18 visions of this section and of the last sentence of section
19 6323(b) of title 5, and such leave shall be considered leave
20 under section 6323(b) of title 5.

21 SEC. 8035. None of the funds appropriated by this
22 Act shall be available to perform any cost study pursuant
23 to the provisions of OMB Circular A-76 if the study being
24 performed exceeds a period of twenty-four months after
25 initiation of such study with respect to a single function

1 activity or forty-eight months after initiation of such study
2 for a multi-function activity.

3 SEC. 8036. Funds appropriated by this Act for the
4 American Forces Information Service shall not be used for
5 any national or international political or psychological ac-
6 tivities.

7 SEC. 8037. Notwithstanding any other provision of
8 law or regulation, the Secretary of Defense may adjust
9 wage rates for civilian employees hired for certain health
10 care occupations as authorized for the Secretary of Veter-
11 ans Affairs by section 7455 of title 38, United States
12 Code.

13 SEC. 8038. None of the funds appropriated or made
14 available in this Act shall be used to reduce or disestablish
15 the operation of the 53rd Weather Reconnaissance Squad-
16 ron of the Air Force Reserve, if such action would reduce
17 the WC-130 Weather Reconnaissance mission below the
18 levels funded in this Act.

19 SEC. 8039. (a) Of the funds for the procurement of
20 supplies or services appropriated by this Act, qualified
21 nonprofit agencies for the blind or other severely handi-
22 capped shall be afforded the maximum practicable oppor-
23 tunity to participate as subcontractors and suppliers in the
24 performance of contracts let by the Department of De-
25 fense.

1 (b) During the current fiscal year, a business concern
2 which has negotiated with a military service or defense
3 agency a subcontracting plan for the participation by
4 small business concerns pursuant to section 8(d) of the
5 Small Business Act (15 U.S.C. 637(d)) shall be given
6 credit toward meeting that subcontracting goal for any
7 purchases made from qualified nonprofit agencies for the
8 blind or other severely handicapped.

9 (c) For the purpose of this section, the phrase “quali-
10 fied nonprofit agency for the blind or other severely handi-
11 capped” means a nonprofit agency for the blind or other
12 severely handicapped that has been approved by the Com-
13 mittee for the Purchase from the Blind and Other Severely
14 Handicapped under the Javits-Wagner-O’Day Act (41
15 U.S.C. 46–48).

16 SEC. 8040. During the current fiscal year, net re-
17 ceipts pursuant to collections from third party payers pur-
18 suant to section 1095 of title 10, United States Code, shall
19 be made available to the local facility of the uniformed
20 services responsible for the collections and shall be over
21 and above the facility’s direct budget amount.

22 SEC. 8041. During the current fiscal year, the De-
23 partment of Defense is authorized to incur obligations of
24 not to exceed \$350,000,000 for purposes specified in sec-
25 tion 2350j(c) of title 10, United States Code, in anticipa-

1 tion of receipt of contributions, only from the Government
2 of Kuwait, under that section: *Provided*, That, upon re-
3 ceipt, such contributions from the Government of Kuwait
4 shall be credited to the appropriation or fund which in-
5 curred such obligations.

6 SEC. 8042. (a) Funds appropriated in this Act to fi-
7 nance activities of Department of Defense (DoD) Feder-
8 ally Funded Research and Development Centers
9 (FFRDCs) may not be obligated or expended for a
10 FFRDC if a member of its Board of Directors or Trustees
11 simultaneously serves on the Board of Directors or Trust-
12 ees of a profit-making company under contract to the De-
13 partment of Defense unless the FFRDC has a DoD ap-
14 proved conflict of interest policy for its members.

15 (b) LIMITATION ON COMPENSATION.—No employee
16 or executive officer of a defense FFRDC may be com-
17 pensated at a rate exceeding Executive Schedule Level I
18 by that FFRDC.

19 (c) LIMITATION ON COMPENSATION.—No member of
20 a Board of Directors, Trustees, Overseers, Advisory
21 Group, Special Issues Panel, Visiting Committee, or any
22 similar entity of a defense FFRDC may be compensated
23 for his or her services as a member of such entity except
24 under the same conditions, and to the same extent, as
25 members of the Defense Science Board: *Provided*, That

1 a member of any such entity shall be allowed travel ex-
2 penses and per diem as authorized under the Federal
3 Joint Travel Regulations, when engaged in the perform-
4 ance of membership duties.

5 (d) Notwithstanding any other provision of law, of
6 the amounts available to the Department of Defense dur-
7 ing fiscal year 1996, not more than \$1,252,650,000 may
8 be obligated for financing activities of defense FFRDCs:
9 *Provided*, That in addition to any other reductions re-
10 quired by this section, the total amounts appropriated in
11 titles II, III, and IV of this Act to finance activities carried
12 out by defense FFRDCs and other entities providing con-
13 sulting services, studies and analyses, systems engineering
14 and technical assistance, and technical engineering and
15 management support are hereby reduced by \$90,097,000.

16 SEC. 8043. None of the funds appropriated or made
17 available in this Act shall be used to procure carbon, alloy
18 or armor steel plate for use in any Government-owned fa-
19 cility or property under the control of the Department of
20 Defense which were not melted and rolled in the United
21 States or Canada: *Provided*, That these procurement re-
22 strictions shall apply to any and all Federal Supply Class
23 9515, American Society of Testing and Materials (ASTM)
24 or American Iron and Steel Institute (AISI) specifications
25 of carbon, alloy or armor steel plate: *Provided further*,

1 That the Secretary of the military department responsible
2 for the procurement may waive this restriction on a case-
3 by-case basis by certifying in writing to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate that adequate domestic supplies are not available
6 to meet Department of Defense requirements on a timely
7 basis and that such an acquisition must be made in order
8 to acquire capability for national security purposes: *Pro-*
9 *vided further,* That these restrictions shall not apply to
10 contracts which are in being as of the date of enactment
11 of this Act.

12 SEC. 8044. None of the unobligated balances avail-
13 able in the National Defense Stockpile Transaction Fund
14 during the current fiscal year may be obligated or ex-
15 pended to finance any grant or contract to conduct re-
16 search, development, test and evaluation activities for the
17 development or production of advanced materials, unless
18 amounts for such purposes are specifically appropriated
19 in a subsequent appropriations Act.

20 SEC. 8045. For the purposes of this Act, the term
21 “congressional defense committees” means the Commit-
22 tees on Appropriations of the Senate and the House of
23 Representatives, the subcommittee on National Security of
24 the Committee on Appropriations and the Committee on

1 National Security of the House of Representatives, and
2 the Committee on Armed Services of the Senate.

3 SEC. 8046. Notwithstanding any other provision of
4 law, during the current fiscal year, the Department of De-
5 fense may acquire the modification, depot maintenance
6 and repair of aircraft, vehicles and vessels as well as the
7 production of components and other Defense-related arti-
8 cles, through competition between Department of Defense
9 depot maintenance activities and private firms: *Provided*,
10 That the Senior Acquisition Executive of the military de-
11 partment or defense agency concerned, with power of dele-
12 gation, shall certify that successful bids include com-
13 parable estimates of all direct and indirect costs for both
14 public and private bids: *Provided further*, That Office of
15 Management and Budget Circular A-76 shall not apply
16 to competitions conducted under this section.

17 SEC. 8047. (a)(1) If the Secretary of Defense, after
18 consultation with the United States Trade Representative,
19 determines that a foreign country which is party to an
20 agreement described in paragraph (2) has violated the
21 terms of the agreement by discriminating against certain
22 types of products produced in the United States that are
23 covered by the agreement, the Secretary of Defense shall
24 rescind the Secretary's blanket waiver of the Buy Amer-

1 ican Act with respect to such types of products produced
2 in that foreign country.

3 (2) An agreement referred to in paragraph (1) is any
4 reciprocal defense procurement memorandum of under-
5 standing, between the United States and a foreign country
6 pursuant to which the Secretary of Defense has prospec-
7 tively waived the Buy American Act for certain products
8 in that country.

9 (b) The Secretary of Defense shall submit to Con-
10 gress a report on the amount of Department of Defense
11 purchases from foreign entities in fiscal year 1996. Such
12 report shall separately indicate the dollar value of items
13 for which the Buy American Act was waived pursuant to
14 any agreement described in subsection (a)(2), the Trade
15 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
16 international agreement to which the United States is a
17 party.

18 (c) For purposes of this section, the term “Buy
19 American Act” means title III of the Act entitled “An Act
20 making appropriations for the Treasury and Post Office
21 Departments for the fiscal year ending June 30, 1934,
22 and for other purposes”, approved March 3, 1933 (41
23 U.S.C. 10a et seq.).

24 SEC. 8048. Notwithstanding any other provision of
25 law, the Secretary of Defense may, when he considers it

1 in the best interest of the United States, cancel any part
2 of an indebtedness, up to \$2,500, that is or was owed to
3 the United States by a member or former member of a
4 uniformed service if such indebtedness, as determined by
5 the Secretary, was incurred in connection with Operation
6 Desert Shield/Storm: *Provided*, That the amount of an in-
7 debtedness previously paid by a member or former mem-
8 ber and cancelled under this section shall be refunded to
9 the member.

10 SEC. 8049. Appropriations contained in this Act that
11 remain available at the end of the current fiscal year as
12 a result of energy cost savings realized by the Department
13 of Defense shall remain available for obligation for the
14 next fiscal year to the extent, and for the purposes, pro-
15 vided in section 2865 of title 10, United States Code.

16 SEC. 8050. During the current fiscal year and there-
17 after, voluntary separation incentives payable under 10
18 U.S.C. 1175 may be paid in such amounts as are nec-
19 essary from the assets of the Voluntary Separation Incen-
20 tive Fund established by section 1175(h)(1).

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8051. Amounts deposited during the current fis-
23 cal year to the special account established under 40 U.S.C.
24 485(h)(2) and to the special account established under 10
25 U.S.C. 2667(d)(1) are appropriated and shall be available
26 until transferred by the Secretary of Defense to current

1 applicable appropriations or funds of the Department of
2 Defense under the terms and conditions specified by 40
3 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.
4 2667(d)(1)(B), to be merged with and to be available for
5 the same time period and the same purposes as the appro-
6 priation to which transferred.

7 SEC. 8052. During the current fiscal year, appropria-
8 tions available to the Department of Defense may be used
9 to reimburse a member of a reserve component of the
10 Armed Forces who is not otherwise entitled to travel and
11 transportation allowances and who occupies transient gov-
12 ernment housing while performing active duty for training
13 or inactive duty training: *Provided*, That such members
14 may be provided lodging in kind if transient government
15 quarters are unavailable as if the member was entitled to
16 such allowances under subsection (a) of section 404 of title
17 37, United States Code: *Provided further*, That if lodging
18 in kind is provided, any authorized service charge or cost
19 of such lodging may be paid directly from funds appro-
20 priated for operation and maintenance of the reserve com-
21 ponent of the member concerned.

22 SEC. 8053. None of the funds available in this Act
23 may be used to support in any manner, including travel
24 or other related expenses, the “Tailhook Association”.

1 SEC. 8054. The President shall include with each
2 budget for a fiscal year submitted to the Congress under
3 section 1105 of title 31, United States Code, materials
4 that shall identify clearly and separately the amounts re-
5 quested in the budget for appropriation for that fiscal year
6 for salaries and expenses related to administrative activi-
7 ties of the Department of Defense, the military
8 departments, and the Defense Agencies.

9 SEC. 8055. During the current fiscal year, amounts
10 contained in the Department of Defense Overseas Military
11 Facility Investment Recovery Account established by sec-
12 tion 2921(c)(1) of the National Defense Authorization Act
13 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
14 be available until expended for the payments specified by
15 section 2921(c)(2) of that Act.

16 SEC. 8056. During the current fiscal year and there-
17 after, annual payments granted under the provisions of
18 section 4416 of the National Defense Authorization Act
19 for Fiscal Year 1993 (Public Law 102–428; 106 Stat.
20 2714) shall be made from appropriations which are avail-
21 able for the pay of reserve component personnel.

22 SEC. 8057. Of the funds appropriated or otherwise
23 made available by this Act, not more than \$119,200,000
24 shall be available for payment of the operating costs of
25 NATO Headquarters.

1 SEC. 8058. During the current fiscal year, appropria-
2 tions which are available to the Department of Defense
3 for operation and maintenance may be used to purchase
4 items having an investment item unit cost of not more
5 than \$50,000.

6 SEC. 8059. During the current fiscal year and there-
7 after, appropriations available for the pay and allowances
8 of active duty members of the Armed Forces shall be avail-
9 able to pay the retired pay which is payable pursuant to
10 section 4403 of Public Law 102-484 (10 U.S.C. 1293
11 note) under the terms and conditions provided in section
12 4403.

13 SEC. 8060. (a) During the current fiscal year, none
14 of the appropriations or funds available to the Defense
15 Business Operations Fund shall be used for the purchase
16 of an investment item for the purpose of acquiring a new
17 inventory item for sale or anticipated sale during the cur-
18 rent fiscal year or a subsequent fiscal year to customers
19 of the Defense Business Operations Fund if such an item
20 would not have been chargeable to the Defense Business
21 Operations Fund during fiscal year 1994 and if the pur-
22 chase of such an investment item would be chargeable dur-
23 ing the current fiscal year to appropriations made to the
24 Department of Defense for procurement.

1 (b) The fiscal year 1997 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 1997
4 Department of Defense budget shall be prepared and sub-
5 mitted to the Congress on the basis that any equipment
6 which was classified as an end item and funded in a pro-
7 curement appropriation contained in this Act shall be
8 budgeted for in a proposed fiscal year 1997 procurement
9 appropriation and not in the supply management business
10 area or any other area or category of the Defense Business
11 Operations Fund.

12 SEC. 8061. None of the funds provided in this Act
13 shall be available for use by a Military Department to
14 modify an aircraft, weapon, ship or other item of equip-
15 ment, that the Military Department concerned plans to
16 retire or otherwise dispose of within five years after com-
17 pletion of the modification: *Provided*, That this prohibition
18 shall not apply to safety modifications: *Provided further*,
19 That this prohibition may be waived by the Secretary of
20 a Military Department if the Secretary determines it is
21 in the best national security interest of the United States
22 to provide such waiver and so notifies the congressional
23 defense committees in writing.

24 SEC. 8062. No part of the funds in this Act shall
25 be available to prepare or present a request to the Com-

1 mittees on Appropriations for reprogramming of funds,
2 unless for higher priority items, based on unforeseen mili-
3 tary requirements, than those for which originally appro-
4 priated and in no case where the item for which
5 reprogramming is requested has been denied by the Con-
6 gress.

7 SEC. 8063. None of the funds appropriated by this
8 Act shall be available for payment of the compensation
9 of personnel assigned to or serving in the National For-
10 eign Intelligence Program in excess of 92 percent of such
11 personnel actually assigned to or serving in the National
12 Foreign Intelligence Program on September 30, 1992:
13 *Provided*, That in making any reduction in the number
14 of such personnel that may be required pursuant to this
15 section, the percentage of reductions to Senior Intelligence
16 Service positions shall be equal to or exceed the percentage
17 of reductions to non-Senior Intelligence Service positions:
18 *Provided further*, That in making any reduction in the
19 number of such personnel that may be required pursuant
20 to this section, the percentage of reductions to positions
21 in the National Capital Region shall be equal to or exceed
22 the percentage of reductions to positions outside of the
23 National Capital Region.

24 SEC. 8064. None of the funds provided by this Act
25 may be used to pay the salaries of any person or persons

1 who authorize the transfer of obligated and deobligated
2 appropriations into the Reserve for Contingencies of the
3 Central Intelligence Agency.

4 SEC. 8065. None of the funds appropriated by this
5 Act for programs of the Central Intelligence Agency shall
6 remain available for obligation beyond the current fiscal
7 year, except for funds appropriated for the Reserve for
8 Contingencies, which shall remain available until Septem-
9 ber 30, 1997.

10 SEC. 8066. The classified Annex prepared by the
11 Committee on Appropriations to accompany the report on
12 the Department of Defense Appropriations Act, 1996 is
13 hereby incorporated into this Act: *Provided*, That the
14 amounts specified in the classified Annex are not in addi-
15 tion to amounts appropriated by other provisions of this
16 Act: *Provided further*, That the President shall provide for
17 appropriate distribution of the classified Annex, or of ap-
18 propriate portions of the classified Annex, within the exec-
19 utive branch of the Government.

20 SEC. 8067. Notwithstanding any other provision of
21 law, funds made available in this Act for the Defense In-
22 telligence Agency may be used for the design, develop-
23 ment, and deployment of General Defense Intelligence
24 Program intelligence communications and intelligence in-

1 formation systems for the Services, the Unified and Speci-
2 fied Commands, and the component commands.

3 SEC. 8068. Notwithstanding any other provision of
4 law, funds appropriated in this Act for the High Perform-
5 ance Computing Modernization Program shall be made
6 available only for the acquisition and sustainment of oper-
7 ations, including maintenance of the supercomputing and
8 related networking capability at (1) the DOD Science and
9 Technology sites under the cognizance of the DDR&E, (2)
10 the DOD Test and Evaluation centers under the Director,
11 Test and Evaluation, OUSD (A&T), and (3) the Ballistic
12 Missile Defense Organization: *Provided*, That the con-
13 tracts, contract modifications, or contract options are
14 awarded competitively solely upon the requirements of the
15 users.

16 SEC. 8069. Amounts collected for the use of the fa-
17 cilities of the National Science Center for Communications
18 and Electronics during the current fiscal year pursuant
19 to section 1459(g) of the Department of Defense Author-
20 ization Act, 1986 and deposited to the special account es-
21 tablished under subsection 1459(g)(2) of that Act are ap-
22 propriated and shall be available until expended for the
23 operation and maintenance of the Center as provided for
24 in subsection 1459(g)(2).

1 SEC. 8070. None of the funds appropriated in this
2 Act may be used to fill the commander's position at any
3 military medical facility with a health care professional
4 unless the prospective candidate can demonstrate profes-
5 sional administrative skills.

6 SEC. 8071. (a) None of the funds appropriated in this
7 Act may be expended by an entity of the Department of
8 Defense unless the entity, in expending the funds, com-
9 plies with the Buy American Act. For purposes of this
10 subsection, the term "Buy American Act" means title III
11 of the Act entitled "An Act making appropriations for the
12 Treasury and Post Office Departments for the fiscal year
13 ending June 30, 1934, and for other purposes", approved
14 March 3, 1933 (41 U.S.C. 10a et seq.).

15 (b) If the Secretary of Defense determines that a per-
16 son has been convicted of intentionally affixing a label
17 bearing a "Made in America" inscription to any product
18 sold in or shipped to the United States that is not made
19 in America, the Secretary shall determine, in accordance
20 with section 2410f of title 10, United States Code, wheth-
21 er the person should be debarred from contracting with
22 the Department of Defense.

23 SEC. 8072. None of the funds appropriated by this
24 Act shall be available for a contract for studies, analyses,
25 or consulting services entered into without competition on

1 the basis of an unsolicited proposal unless the head of the
2 activity responsible for the procurement determines—

3 (1) as a result of thorough technical evaluation,
4 only one source is found fully qualified to perform
5 the proposed work, or

6 (2) the purpose of the contract is to explore an
7 unsolicited proposal which offers significant sci-
8 entific or technological promise, represents the prod-
9 uct of original thinking, and was submitted in con-
10 fidence by one source, or

11 (3) the purpose of the contract is to take ad-
12 vantage of unique and significant industrial accom-
13 plishment by a specific concern, or to insure that a
14 new product or idea of a specific concern is given fi-
15 nancial support:

16 *Provided*, That this limitation shall not apply to contracts
17 in an amount of less than \$25,000, contracts related to
18 improvements of equipment that is in development or pro-
19 duction, or contracts as to which a civilian official of the
20 Department of Defense, who has been confirmed by the
21 Senate, determines that the award of such contract is in
22 the interest of the national defense.

23 SEC. 8073. Funds appropriated by this Act for intel-
24 ligence activities are deemed to be specifically authorized
25 by the Congress for purposes of section 504 of the Na-

1 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
2 year 1996 until the enactment of the Intelligence Author-
3 ization Act for fiscal year 1996.

4 SEC. 8074. (a) None of the funds made available by
5 this Act may be obligated for design, development, acquisi-
6 tion, or operation of more than 47 Titan IV expendable
7 launch vehicles, or for satellite mission-model planning for
8 a Titan IV requirement beyond 47 vehicles.

9 (b) \$115,226,000 made available in this Act for Re-
10 search, Development, Test and Evaluation, Air Force,
11 may only be obligated for development of a new family
12 of medium-lift and heavy-lift expendable launch vehicles
13 evolved from existing technologies.

14 SEC. 8075. No funds available to the Department of
15 Defense in this Act may be used to establish additional
16 field operating agencies of any element of the Department
17 during fiscal year 1996, except for field operating agencies
18 funded within the National Foreign Intelligence Program.

19 SEC. 8076. Notwithstanding any other provision of
20 law, for resident classes entering the war colleges after
21 September 30, 1996, the Department of Defense shall re-
22 quire that not less than 20 percent of the total of United
23 States military students at each war college shall be from
24 military departments other than the hosting military de-
25 partment: *Provided*, That each military department will

1 recognize the attendance at a sister military department
2 war college as the equivalent of attendance at its own war
3 college for promotion and advancement of personnel.

4 SEC. 8077. None of the funds provided in this Act
5 may be obligated for payment on new contracts on which
6 allowable costs charged to the government include pay-
7 ments for individual compensation at a rate in excess of
8 \$250,000 per year.

9 SEC. 8078. None of the funds available in this Act
10 may be used to reduce the authorized positions for mili-
11 tary (civilian) technicians of the Army National Guard,
12 the Air National Guard, Army Reserve and Air Force Re-
13 serve for the purpose of applying any administratively im-
14 posed civilian personnel ceiling, freeze, or reduction on
15 military (civilian) technicians, unless such reductions are
16 a direct result of a reduction in military force structure.

17 SEC. 8079. During the current fiscal year, funds ap-
18 propriated in this Act are available to compensate mem-
19 bers of the National Guard for duty performed pursuant
20 to a plan submitted by a Governor of a State and approved
21 by the Secretary of Defense under section 112 of title 32,
22 United States Code: *Provided*, That during the perform-
23 ance of such duty, the members of the National Guard
24 shall be under State command and control: *Provided fur-*
25 *ther*, That such duty shall be treated as full-time National

1 Guard duty for purposes of sections 12602 (a)(2) and
2 (b)(2) of title 10, United States Code.

3 SEC. 8080. Funds appropriated in this Act for oper-
4 ation and maintenance of the Military Departments, Uni-
5 fied and Specified Commands and Defense Agencies shall
6 be available for reimbursement of pay, allowances and
7 other expenses which would otherwise be incurred against
8 appropriations for the National Guard and Reserve when
9 members of the National Guard and Reserve provide intel-
10 ligence support to Unified Commands, Defense Agencies
11 and Joint Intelligence Activities, including the activities
12 and programs included within the General Defense Intel-
13 ligence Program and the Consolidated Cryptologic Pro-
14 gram: *Provided*, That nothing in this section authorizes
15 deviation from established Reserve and National Guard
16 personnel and training procedures.

17 SEC. 8081. (a) No project for the construction of any
18 facility, or improvement to any facility, having an esti-
19 mated Federal cost in excess of \$750,000, may be under-
20 taken in any fiscal year unless specifically identified as
21 a separate item in the President's annual fiscal year budg-
22 et request or otherwise specifically authorized and appro-
23 priated if such facility or improvement would be used pri-
24 marily by personnel of the intelligence community.

1 (b) As used in this section, the term “intelligence
2 community” has the same meaning given that term in sec-
3 tion 3(4) of the National Security Act of 1947 (50 U.S.C.
4 401a(4)).

5 SEC. 8082. The Secretary of Defense, from within
6 funds provided in this Act, may obligate not to exceed
7 \$75,000 to fulfill Department of Defense obligations
8 under the Educational Loan Repayment Programs for
9 State-sponsored student loan programs not covered under
10 title IV, part B or E of the Higher Education Act of 1965
11 (title 20 U.S.C. 1071–1087).

12 SEC. 8083. All refunds or other amounts collected in
13 the administration of the Civilian Health and Medical Pro-
14 gram of the Uniformed Services (CHAMPUS) shall be
15 credited to current year appropriations.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8084. None of the funds appropriated in this
18 Act may be transferred to or obligated from the Pentagon
19 Reservation Maintenance Revolving Fund, unless the Sec-
20 retary of Defense certifies that the total cost for the plan-
21 ning design, construction and installation of equipment for
22 the renovation of the Pentagon Reservation will not exceed
23 \$1,218,000,000.

24 SEC. 8085. (a) None of the funds available to the
25 Department of Defense for any fiscal year for drug inter-
26 diction or counter-drug activities may be transferred to

1 any other department or agency of the United States ex-
2 cept as specifically provided in an appropriations law.

3 (b) None of the funds available to the Central Intel-
4 ligence Agency for any fiscal year for drug interdiction
5 and counter-drug activities may be transferred to any
6 other department or agency of the United States except
7 as specifically provided in an appropriations law.

8 (TRANSFER OF FUNDS)

9 SEC. 8086. Appropriations available in this Act under
10 the heading "Operation and Maintenance, Defense-Wide"
11 for increasing energy and water efficiency in Federal
12 buildings may, during their period of availability, be trans-
13 ferred to other appropriations or funds of the Department
14 of Defense for projects related to increasing energy and
15 water efficiency, to be merged with and to be available
16 for the same general purposes, and for the same time pe-
17 riod, as the appropriation or fund to which transferred.

18 SEC. 8087. Funds in the amount of \$61,300,000 re-
19 ceived during fiscal year 1996 by the Department of the
20 Air Force pursuant to the "Memorandum of Agreement
21 between the National Aeronautics and Space Administra-
22 tion and the United States Air Force on Titan IV/Centaur
23 Launch Support for the Cassini Mission," signed Septem-
24 ber 8, 1994, and September 23, 1994, and Attachments
25 A, B and C to the Memorandum, shall be merged with
26 appropriations available for research, development, test

1 and evaluation and procurement for fiscal year 1996, and
2 shall be available for the same time period as the appro-
3 priation with which merged, and shall be available for obli-
4 gation only for those Titan IV vehicles and Titan IV-relat-
5 ed activities under contract as of the date of enactment
6 of this Act, as well as on the follow-on launch services and
7 program sustaining support contract to be awarded in fis-
8 cal year 1996.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8088. In addition to amounts appropriated or
11 otherwise made available by this Act, \$44,000,000 is here-
12 by appropriated to the Department of Defense and shall
13 be available only for transfer to the United States Coast
14 Guard for activities relating to national security.

15 SEC. 8089. The total amount appropriated in title II,
16 III, and IV of this Act is hereby reduced by \$30,000,000
17 for savings through improved management of contractor
18 automatic data processing costs charged through indirect
19 rates on Department of Defense acquisition contracts.

20 SEC. 8090. (a) None of the funds appropriated in
21 title III of this Act may be obligated by the Department
22 of Defense for acquisition or advance procurement of any
23 system or end item using incremental funding.

24 (b) For purposes of this section, the term “incremen-
25 tal funding” has the meaning provided in paragraph (3)
26 of section 114(f) of title 10, United States Code, as added

1 by section 1007 of H.R. 1530 of the One Hundred Fourth
2 Congress (the National Defense Authorization Act for Fis-
3 cal Year 1996), as passed by the House of Representatives
4 on June 15, 1995.

5 (c) This section does not apply to an obligation that
6 is classified as an advance procurement for a system or
7 end item that is to be procured on a full funding basis.

8 SEC. 8091. None of the funds in this Act may be
9 used to purchase any supercomputer which is not manu-
10 factured in the United States, unless the Secretary of De-
11 fense certifies to the congressional defense committees
12 that such an acquisition must be made in order to acquire
13 capability for national security purposes that is not avail-
14 able from United States manufacturers.

15 SEC. 8092. None of the funds appropriated in this
16 Act to the Department of the Army may be obligated for
17 procurement of 120mm mortars or 120mm mortar ammu-
18 nition manufactured outside of the United States.

19 SEC. 8093. The Department of Defense shall release
20 all funds appropriated and available for the HAVE GAZE
21 program to the Department of the Air Force for obligation
22 under existing contractual arrangements.

23 SEC. 8094. Notwithstanding any other provision of
24 law, (a) funds available to the Navy in the Operation and
25 Maintenance appropriation for refueling overhauls and

1 defueling inactivations of nuclear-powered warships are
2 available to transport the shipments of naval spent nuclear
3 fuel to the Idaho National Engineering Laboratory needed
4 for examination and storage to avoid threats to the na-
5 tional security; and (b) the Secretary of the Navy is hereby
6 authorized to immediately commence and accomplish such
7 transportation: *Provided*, That the Secretary of Defense
8 shall make the determination as to what shipments are
9 required for that purpose and shall ensure that the ship-
10 ments are made in accordance with the practices and re-
11 quirements applied to previous container shipments of
12 naval spent fuel to the Idaho National Engineering Lab-
13 oratory: *Provided further*, That the authority in this sec-
14 tion shall expire on September 30, 1996 or upon the vaca-
15 tion or stay of the current or any subsequent injunction
16 issued by the United States District Court for the District
17 of Idaho which enjoins such shipments, whichever occurs
18 first: *Provided further*, That the authority in this section
19 may not be used unless the Secretary of Defense certifies
20 in writing to the congressional defense committees that a
21 good-faith agreement between the State of Idaho and the
22 United States Government was attempted but could not
23 be reached concerning interim shipments of spent nuclear
24 fuel enjoined by any such injunction based on national se-
25 curity reasons.

1 SEC. 8095. None of the funds appropriated by this
2 Act shall be available to lease or charter a vessel on a
3 long-term basis used to transport fuel or oil for the De-
4 partment of Defense in those instances where the leases
5 involve the construction of new ships unless the Secretary
6 of Defense requires that the vessel be constructed in the
7 United States with a double hull under the long term lease
8 or charter authority provided in section 2401 note of title
9 10, United States Code: *Provided*, That this limitation
10 shall not apply to contracts in force on the date of enact-
11 ment of this Act: *Provided further*, That by 1997 at least
12 20 percent of annual leases and charters must be for ships
13 of new construction: *Provided further*, That the Military
14 Sealift Command shall plan to achieve the goal of elimi-
15 nating single hull ship leases by the year 2015.

16 SEC. 8096. None of the funds appropriated or made
17 available in this Act to the Department of the Navy shall
18 be used to develop or procure main propulsion engines for
19 the LPD-17 class of ships unless such equipment is pow-
20 ered by a diesel engine manufactured in the United States
21 by a domestically operated entity: *Provided*, That the Sec-
22 retary of Defense may waive this restriction on a case-
23 by-case basis by certifying in writing to the Committees
24 on Appropriations of the House of Representatives and the
25 Senate that adequate domestic supplies are not available

1 to meet Department of Defense requirements on a timely
2 basis and that such an acquisition must be made in order
3 to acquire capability for national security purposes or
4 there exists a significant cost or quality difference.

5 SEC. 8097. None of the funds appropriated or made
6 available in this Act to the Department of the Navy shall
7 be used to develop or procure an emergency generator set
8 for the New Attack Submarine unless such equipment is
9 powered by a diesel engine manufactured in the United
10 States by a domestically operated entity: *Provided*, That
11 the Secretary of Defense may waive this restriction on a
12 case-by-case basis by certifying in writing to the Commit-
13 tees on Appropriations of the House of Representatives
14 and the Senate that adequate domestic supplies are not
15 available to meet Department of Defense requirements on
16 a timely basis and that such an acquisition must be made
17 in order to acquire capability for national security pur-
18 poses or there exists a significant cost or quality dif-
19 ference.

20 SEC. 8098. The Army shall use George Air Force
21 Base as the interim airhead for the National Training
22 Center at Fort Irwin until Barstow-Daggett reaches Ini-
23 tial Operational Capability as the permanent airhead: *Pro-*
24 *vided*, That within funds appropriated for “Operation and
25 Maintenance, Army” in this Act, not less than \$2,000,000

1 shall be available only to operate the National Training
2 Center's rotational airhead at the now closed George Air
3 Force Base: *Provided further*, That the Secretary of the
4 Army shall provide the congressional defense committees
5 with a report assessing the Army's compliance with the
6 terms of this provision not later than March 31, 1996:
7 *Provided further*, That not later than April 30, 1996, the
8 Department of the Army shall complete planning and de-
9 sign of the Barstow-Daggett airfield as the permanent
10 airhead in support of training rotations at the National
11 Training Center.

12 (TRANSFER OF FUNDS)

13 SEC. 8099. During the current fiscal year, the Sec-
14 retary of Defense may carry out transfers of funds of not
15 to exceed \$200,000,000, as provided in section 127a(c) of
16 title 10, United States Code, as amended by section 1003
17 of the National Defense Authorization Act for Fiscal Year
18 1996 (H.R. 1530): *Provided*, That the transfer authority
19 provided in this paragraph is in addition to any transfer
20 authority contained elsewhere in this Act.

21 SEC. 8100. The sum of \$77,500,000 appropriated in
22 title I and the sum of \$564,300,000 appropriated in title
23 II for additional incremental costs associated with the op-
24 erations of the Department of Defense designated, as of
25 June 1, 1995, as Operation Southern Watch and Oper-
26 ation Provide Comfort—

1 (1) shall not be obligated or expended before
2 the date on which the budget of the President for
3 fiscal year 1997 is transmitted to Congress; and

4 (2) may be obligated or expended for such in-
5 cremental costs on or after such date only if that
6 budget specifically sets forth amounts proposed for
7 fiscal year 1997 for each of those operations.

8 SEC. 8101. (a) The Secretary of Defense shall sub-
9 mit, on a quarterly basis, a report to the congressional
10 defense committees setting forth all costs (including incre-
11 mental costs) incurred by the Department of Defense dur-
12 ing the preceding quarter in implementing or supporting
13 resolutions of the United Nations Security Council, includ-
14 ing any such resolution calling for international sanctions,
15 international peacekeeping operations, and humanitarian
16 missions undertaken by the Department of Defense. The
17 quarterly report shall include an aggregate of all such De-
18 partment of Defense costs by operation or mission.

19 (b) The Secretary of Defense shall detail in the quar-
20 terly reports all efforts made to seek credit against past
21 United Nations expenditures and all efforts made to seek
22 compensation from the United Nations for costs incurred
23 by the Department of Defense in implementing and sup-
24 porting United Nations activities.

1 SEC. 8102. (a) LIMITATION ON PARTICIPATION IN
2 CERTAIN OPERATIONS.—None of the funds available to
3 the Department of Defense for the current fiscal year shall
4 be obligated or expended for costs incurred by United
5 States Armed Forces units serving in an operation de-
6 scribed in subsection (b) unless the President engages in
7 consultations with the bipartisan leadership of Congress
8 and the congressional committees named in subsection (e)
9 regarding such operation in accordance with subsection
10 (c)(1).

11 (b) COVERED OPERATIONS.—(1) This section applies
12 to the following:

13 (A) Any international peacekeeping or peace-en-
14 forcement operation that is not underway as of the
15 date of the enactment of this Act and that is author-
16 ized by the Security Council of the United Nations
17 under chapter VI or VII of the Charter of the Unit-
18 ed Nations.

19 (B) Any other international peacekeeping or
20 peace-enforcement operation that is not underway as
21 of the date of the enactment of this Act.

22 (C) Any deployment after the date of the enact-
23 ment of this Act of United States ground forces in
24 the territory of the former Yugoslavia above the level
25 of such forces so deployed as of such date of enact-

1 ment, other than a deployment involving fewer than
2 100 personnel.

3 (D) Except as provided in paragraph (2), any
4 international humanitarian assistance operation.

5 (2) This section does not apply with respect to—

6 (A) an international humanitarian assistance
7 operation carried out in response to a disaster; or

8 (B) any other international humanitarian as-
9 sistance operation if the President reports to Con-
10 gress that the estimated cost of such operation is
11 less than \$50,000,000.

12 (c) CONSULTATION WITH CONGRESS.—(1) Consulta-
13 tions under subsection (a) in the case of any operation
14 shall be initiated before the initial deployment of United
15 States Armed Forces units to participate in the operation
16 and, whenever possible, at least 15 days before such de-
17 ployment. However, if the President determines that the
18 national security so requires, the President may delay the
19 initiation of such consultations until after such initial de-
20 ployment, but in no case may such consultations be initi-
21 ated later than 48 hours after such deployment.

22 (2) Such consultations shall include discussion of all
23 of the following:

1 (A) The goals of the operation and the mission
2 of any United States Armed Forces units involved in
3 the operation.

4 (B) The United States interests that will be
5 served by the operation.

6 (C) The estimated cost of the operation.

7 (D) The strategy by which the President pro-
8 poses to fund the operation, including possible sup-
9 plemental appropriations or payments from inter-
10 national organizations, foreign countries, or other
11 donors.

12 (E) The extent of involvement of armed forces
13 and other contributions of personnel from other na-
14 tions.

15 (F) The anticipated duration and scope of the
16 operation.

17 (3) Such consultations shall continue on a periodic
18 basis throughout the period of the deployment.

19 (d) REQUESTS FOR EMERGENCY SUPPLEMENTAL
20 APPROPRIATIONS.—Whenever there is a deployment of
21 United States Armed Forces to perform an international
22 humanitarian, peacekeeping, or peace-enforcement oper-
23 ation, the President should seek emergency supplemental
24 appropriations to meet the incremental costs to the De-

1 partment of Defense of that deployment not later than 90
2 days after the date on which such deployment commences.

3 (e) COMMITTEES TO BE INCLUDED IN CONSULTA-
4 TIONS.—The committees referred to in subsection (a) are
5 the following:

6 (1) The congressional defense committees.

7 (2) The Committee on Foreign Relations of the
8 Senate and the Committee on International Rela-
9 tions of the House of Representatives.

10 (3) The Select Committee on Intelligence of the
11 Senate and the Permanent Select Committee on In-
12 telligence of the House of Representatives.

13 SEC. 8103. (a) LIMITATION ON TRANSFER OF DE-
14 FENSE ARTICLES AND SERVICES.—Notwithstanding any
15 other provision of law, none of the funds available to the
16 Department of Defense for the current fiscal year may be
17 obligated or expended to transfer to another nation or an
18 international organization any defense articles or services
19 (other than intelligence services) for use in the activities
20 described in subsection (b) unless the congressional de-
21 fense committees are notified 15 days in advance of such
22 transfer.

23 (b) COVERED ACTIVITIES.—(1) This section applies
24 to—

1 (A) any international peacekeeping or peace-en-
2 forcement operation under the authority of chapter
3 VI or chapter VII of the United Nations Charter
4 under the authority of a United Nations Security
5 Council resolution; and

6 (B) any other international peacekeeping,
7 peace-enforcement, humanitarian, or disaster relief
8 operation.

9 (c) REQUIRED NOTICE.—A notice under subsection
10 (a) shall include the following:

11 (1) A description of the equipment, supplies, or
12 services to be transferred.

13 (2) A statement of the value of the equipment,
14 supplies, or services to be transferred.

15 (3) In the case of a proposed transfer of equip-
16 ment or supplies—

17 (A) a statement of whether the inventory
18 requirements of all elements of the Armed
19 Forces (including the reserve components) for
20 the type of equipment or supplies to be trans-
21 ferred have been met; and

22 (B) a statement of whether the items pro-
23 posed to be transferred will have to be replaced
24 and, if so, how the President proposes to pro-
25 vide funds for such replacement.

1 SEC. 8104. None of the funds available to the De-
2 partment of Defense shall be obligated or expended for
3 the purposes of deploying United States Armed Forces to
4 participate in the implementation of a negotiated peace
5 settlement in Bosnia-Herzegovina, unless such deployment
6 is previously authorized by law.

7 SEC. 8105. Except as expressly authorized by law or
8 provided for specifically in an Act making appropriations
9 for the Department of Defense, none of the funds available
10 to the Department of Defense after December 1, 1995,
11 for the current fiscal year or any fiscal year hereafter shall
12 be available to support or otherwise provide funds for any
13 program or activity (other than an intelligence program
14 or activity) for which another Federal department or agen-
15 cy has primary responsibility or which is a type of pro-
16 gram or activity for which funds are customarily provided
17 in appropriations available to another Federal department
18 or agency. The limitation in the preceding sentence does
19 not apply with respect to funds made available to another
20 department or agency in accordance with section 1535 of
21 title 31, United States Code.

22 SEC. 8106. None of the funds available to the De-
23 partment of Defense shall be obligated or expended to
24 make a financial contribution to the United Nations for
25 the cost of an United Nations peacekeeping activity

1 (whether pursuant to assessment or a voluntary contribu-
2 tion) or for payment of any United States arrearage to
3 the United Nations.

4 “This Act may be cited as the Department of Defense
5 Appropriations Act, 1996”.

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